

REMARKS/ARGUMENTS

In the Office action dated January 16, 2007, the Examiner objected to the Specification, stating that the title was not descriptive. The Examiner objected to claims 1, 5 and 8 as containing grammatical errors, which, upon review, are merely typographical errors. The Examiner objected to claims 5-7 under 37 C.F.R. § 1.75, as being substantial duplicates of claims 1, 4 and 2. Claims 1-3, 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0149917 of Smith *et al.* in view of U.S. Patent Publication No. 2004/0263899 of Ferlitsch. Claims 8 and 9 stand allowed, while claims 4 and 6 stand objected to, but allowable if presented in independent form.

In the Specification, the title has been amended.

In the Claims, claims 1 and 8 are amended to correct typographical errors. Claims 5-7 are cancelled.

The claims are now in condition for allowance, as U.S. Patent Publication No. 2004/0263899 is not a legitimate 35 U.S.C. § 103(a) reference, as the underlying application is commonly owned with the instant Application, thus the '899 reference is not a 35 U.S.C. § 103(a) reference by virtue of 35 U.S.C. § 103(c), and should be withdrawn. Attached hereto as Exhibit A is a copy of the Assignment and Notice of Recordation for '899, which is Serial No. 10/602,485; and Exhibit B, which is a copy of the Assignment and Notice of Recordation for the instant Application, which evidence that both Applications are owned by Sharp Laboratories of America, Inc. of Camas, Washington. Thus, with the removal of '899, the 35 U.S.C. § 103(a) rejection of claims 1-3 should be withdrawn.

In light of the foregoing amendment and remarks, the Examiner is respectfully

requested to reconsider the rejections and objections stated in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact the undersigned.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

Customer Number

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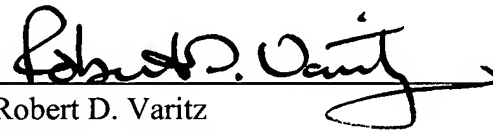
Respectfully Submitted,

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A handwritten signature in black ink, appearing to read "Robert D. Varitz", is written over a horizontal line.

Robert D. Varitz

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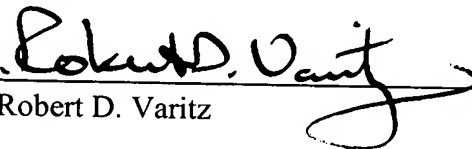
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I hereby certify that the attached RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MS AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


Robert D. Varitz